



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

JAN 28 2014

Andy Beers  
Executive Deputy Commissioner  
New York State Office of Parks, Recreation and Historic Preservation  
Albany, NY 12238

RE: Response to Request for Extension of Time to EPA Information Request Letter,  
Docket No. SDWA-UIC-IR-14-001

Dear Mr. Beers:

I am writing in response to your letter dated January 9, 2014, requesting an extension until July 30, 2014, to respond to the above referenced information request letter, requesting a phased approach to compliance and inquiring whether an audit policy could be used as a vehicle for coming into compliance with the Underground Injection Control ("UIC") regulations. The Environmental Protection Agency ("EPA") grants the extension request as outlined below and is willing to discuss a phased approach to compliance. However, the EPA audit policy criteria of independent discovery and disclosure of violations prior to the announcement or commencement of a Federal, State or local agency inspection or investigation, including issuance of an information request, prevents its use in this scenario.

EPA is willing to discuss a phased approach to monitoring and achieving compliance. As part of such an approach, EPA requests that New York State Office of Parks, Recreation and Historic Preservation ("NYSOPRHP") provide inventory information as it becomes available as opposed to waiting to submit all information on July 30, 2014. As information becomes available, EPA and NYSOPRHP can discuss alternate mechanisms for memorializing schedule to achieve full compliance with the UIC regulations.

If you or your staff would like to meet to discuss this response, please feel free to contact me at (212)637-4244 or [mckenna.douglas@epa.gov](mailto:mckenna.douglas@epa.gov) or your staff may contact Nicole Foley Kraft at (212)637-3093 or [kraft.nicole@epa.gov](mailto:kraft.nicole@epa.gov). Thank you for your continued cooperation and commitment to comply with the UIC regulations.

Sincerely,

Douglas McKenna, Chief  
Water Compliance Branch

cc: Joe Dimura, NYSDEC  
Scott Crisafulli, NYSDEC







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

JAN 02 2014

af file

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**Article Number: 7005 3110 0000 5951 4122**

Hogan Energy, Inc.  
6194 Ranch View Drive  
East Amherst, New York 14051  
Attn: Michael A. Hogan

Re: Underground Injection Control (UIC) Program Regulation  
Request for Information: SDWA-UIC-IR-14-002  
Former Daggett Oil Company Peckham Lease (UICID: NYU118028)  
Dagget Hollow Road  
Bolivar, New York  
Allegany County

Dear Mr. Hogan:

Based upon information in the U.S. Environmental Protection Agency's ("EPA") files, Hogan Energy, Inc. ("Hogan") owns and/or operates underground injection wells at the above-referenced lease that are subject to EPA jurisdiction under the Safe Drinking Water Act ("SDWA"). Review of EPA's records indicates the following:

1. Daggett Oil Company ("Daggett") retained authorization by rule for 14 existing Class II enhanced recovery injection wells ("Wells") located on what was then known as the Peckham Lease ("Lease") by virtue of having submitted inventory information to EPA prior to the June 25, 1985 deadline (see 40 Code of Federal Regulations (C.F.R.) §§144.26(d)(1) and 147.1651(b)). Specifically, Daggett submitted inventory for the below-listed Wells:

Facility UIC ID Number	Well Name	Well Latitude	Well Longitude	Well Status
NYU118028	7	42.0845	-78.2221	Temporarily Abandoned
NYU118028	9	42.0848	-78.2206	Temporarily Abandoned
NYU118028	24	42.0826	-78.2226	Temporarily Abandoned
NYU118028	83	42.0836	-78.2182	Temporarily Abandoned
NYU118028	117	42.0829	-78.2202	Temporarily Abandoned
NYU118028	144	42.0835	-78.2193	Temporarily Abandoned
NYU118028	164	42.0829	-78.2211	Temporarily Abandoned
NYU118028	167	42.0831	-78.2234	Temporarily Abandoned
NYU118028	173	42.0836	-78.2201	Temporarily Abandoned
NYU118028	175	42.0868	-78.218	Temporarily Abandoned

NYU118028	178	42.0856	-78.2193	Temporarily Abandoned
NYU118028	182	42.0859	-78.2198	Temporarily Abandoned
NYU118028	191	42.0825	-78.2215	Temporarily Abandoned
NYU118028	197	42.0832	-78.2234	Temporarily Abandoned

See Enclosure #1 displaying the locations of the injection and production wells on the Lease.

2. In 1986, ownership of the wells on the Lease was transferred to Hogan. See Enclosure #2.
3. Review of the Allegany County on-line tax maps indicates that Hogan owns the property where at least some of the Wells are located.  
(<http://allegany.sdgny.com/search.aspx?advanced=true>) See Enclosure #3.
4. Review of New York State Department of Environmental Conservation's ("NYSDEC") oil and gas well database indicates that Hogan is the current owner of record of the production wells on the Lease, now identified as the Daggett Lease. See Enclosure #4 which summarizes the data obtained from the NYSDEC database.  
(<http://www.dec.ny.gov/cfm/xtapps/GasOil/search/wells/index.cfm>)

## REQUIRED ACTIONS

Pursuant to Section 1445(a)(1)(A) of the SDWA, 42 U.S.C. §300j-4(a)(1)(A) and 40 C.F.R. §144.17, submit the following information within 30 days of receipt of this letter:

1. Confirm whether Hogan is the owner and/or the operator of the Wells within the meaning of 40 C.F.R. §144.3. Should Hogan determine that it is neither the owner nor the operator of the Wells, submit any supporting documentation upon which Hogan based its determination.
2. Confirm the current status of each of the Wells that Hogan owns and/or operates. If plugged and abandoned, submit copies of the plugging reports filed with NYSDEC.
3. Detail any plans Hogan has for future use of each of the Wells that Hogan owns and/or operates. If none, detail any schedule Hogan has established for properly plugging and abandoning the Wells. Note that the Wells must be plugged and abandoned pursuant to an EPA-approved plugging and abandonment plan.
4. Provide the analytical results of any ground water sampling conducted on the Lease within the last 5 years.

Please submit all information to the following address:

Nicole Foley Kraft, Chief  
Ground Water Compliance Section  
United States Environmental Protection Agency  
290 Broadway, 20<sup>th</sup> Floor  
New York, NY 10007-1866  
Re: NYU118028  
Attn: Frank Brock

Failure to respond to this letter truthfully and accurately within the time provided may subject you to sanctions authorized by federal law. Please also note that all information submitted by you may be used in an administrative, civil judicial, or criminal action. In addition, making a knowing submission of materially false information to the U.S. Government may be a criminal offense.

Pursuant to 40 C.F.R. §§2.203(a) and 144.5, you may, if you desire, assert a business confidentiality claim covering part or all of the information. Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 C.F.R. Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice. You may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as *trade secret*, *proprietary*, or *company confidential*. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by EPA. If you desire confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.

If you have any questions please contact Frank Brock of my staff at (212) 637-3762 or by e-mail at [brock.frank@epa.gov](mailto:brock.frank@epa.gov).

Sincerely,

  
for Douglas McKenna, Chief  
Water Compliance Branch

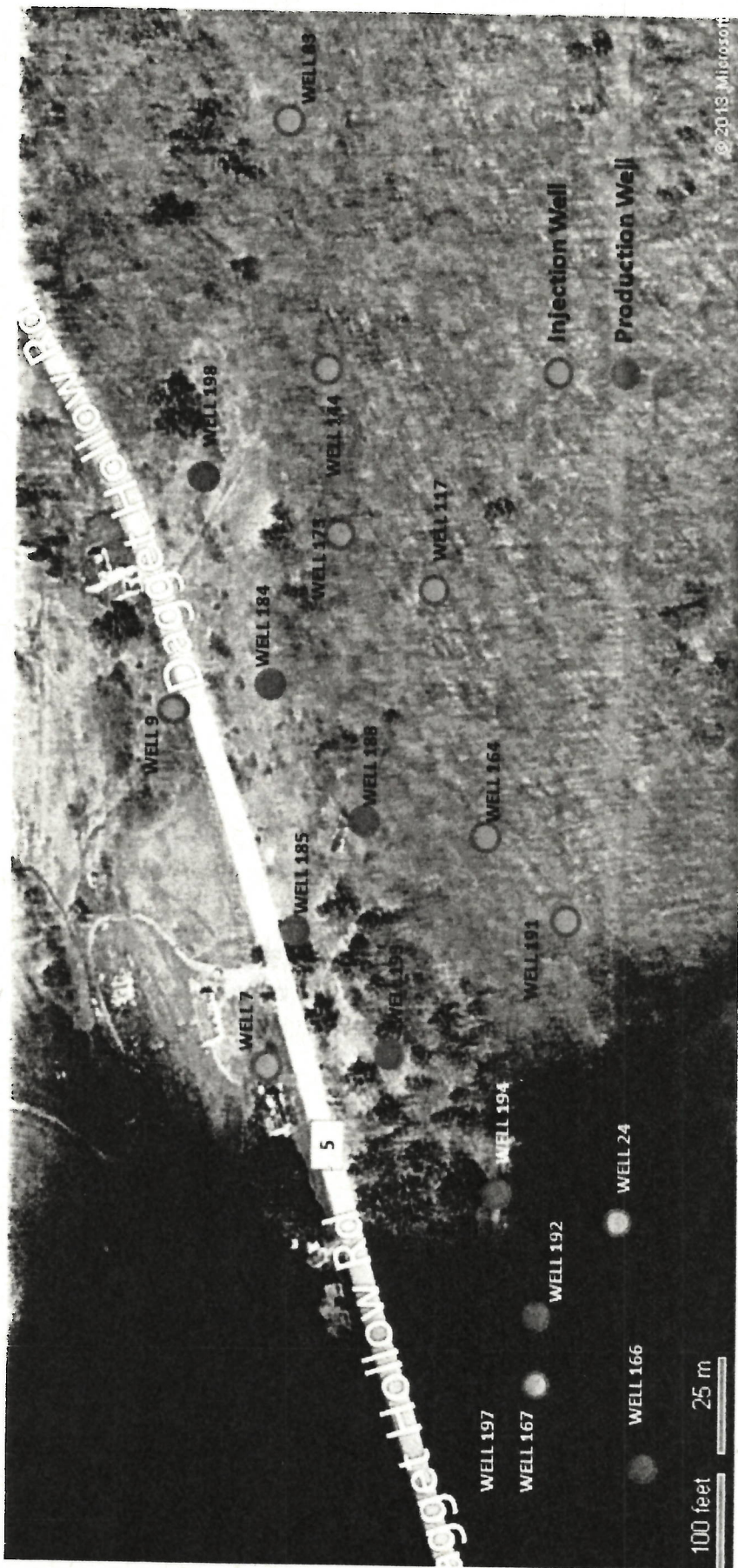


Enclosures

cc: Peter S. Briggs (w/enc.)  
Director, Bureau of Oil & Gas Regulation  
NYSDEC Division of Mineral Resources  
625 Broadway, 3rd Floor  
Albany, NY 12233-6500

Christopher Miller (w/enc.)  
Regional Minerals Manager  
NYSDEC Region 9  
182 East Union Street, Suite 3  
Allegany, NY 14706

ENCLOSURE #1  
PECKHAM/DAGGETT LEASE WELLS





ENCLOSURE #2  
NYDEC RULING 2 DATED MARCH 20, 1996

# **Daggett Oil Co - Ruling 2, March 20, 1996**

STATE OF NEW YORK : DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of

the Alleged Violations of Article 23 of  
the New York State Environmental Conservation Law and Parts 551 and 555 of Title 6 of  
the Official Compilation of Codes, Rules and Regulations of the State of New York,

- by -

DAGGETT OIL COMPANY,  
HOGAN ENERGY, INC.  
WILLIAM F. HOGAN, and  
LESLIE T. GROVER,

Respondents

RULINGS ON MOTIONS TO DISMISS AND TO AMEND COMPLAINT

DEC No. D9-B113-94-12

## **Summary**

The motion of respondent, William F. Hogan, dated December 22, 1995 seeks a dismissal of this enforcement proceeding or alternatively a summary order in his favor on the grounds that it fails to state a cause of action because the applicable statute provides only for operator rather than owner responsibility, is untimely and, as a matter of law, respondent Hogan has had no responsibility related to the subject wells since 1986. The motion is denied on the grounds that the Department Staff has met the requirements of pleading pursuant to 6 NYCRR 622.3.

Part 550 provides for owner responsibility with respect to violations alleged by Staff and it is not within the province of the administrative hearing process to determine whether the agency has exceeded its authority in promulgating these regulations. With respect to the claim of delay, the respondent has failed to set forth any circumstances indicating that he has been prejudiced by any delays in these proceedings. Finally, because the applicable regulations require an owner to maintain financial surety for plugging of wells until a transferee has provided acceptable surety to the Department, I cannot find that as a matter of law, the respondent Hogan is entitled to a summary decision in his favor. 6 NYCRR 551.4(c).

The motion of Staff to amend its complaint to add two causes of action relating to failure to provide annual production reports and abandonment and restoration is granted on the grounds that the proposed complaint conforms to the factual contentions previously put forth by the Department and does not prejudice the respondent. The amended complaint also adds a cause

of action relating to alleged violations of 555.1 - failure to plug. I grant this amendment for the same reason. However, I note the substantial increase in the proposed penalty and remind Staff that DEC counsel will have to present proof of its propriety pursuant to ALJ O'Connell's ruling of February 6, 1995.

## **Proceedings**

The Staff commenced this enforcement proceeding in December 1994 with the service of a Notice of Motion for Order Without Hearing and supporting papers. The respondent William F. Hogan (Hogan) moved to dismiss the proceedings on or about December 22, 1995. On February 6, 1996, Administrative Law Judge Daniel P. O'Connell denied the Staff's motion and by memorandum he set a schedule for the exchange and filing of the Staff's response to Hogan's motion, the Staff's motion to amend its complaint and respondent's response to that motion. Based upon agreement between Staff (represented by Joseph M. Kowalczyk, Esq.) and Mr. Hogan (represented by G. William Gunner, Esq.), the Staff filed its papers with this office on February 13, 1996. On February 27, 1996, Mr. Gunner filed the respondent's reply to Staff's amended complaint and on March 18, 1996, Staff filed its reply. In addition, on March 8, 1996, Staff filed a letter brief to supplement its memorandum of law in opposition to the motion to dismiss based upon the Commissioner's recent decision in *Matter of Manor Maintenance Corp., et al* (February 12, 1996).

## **Rulings**

### **Respondent Hogan's Motion To Dismiss**

#### **Failure to State a Cause of Action**

Respondent Hogan claims that the Department's allegations rest on provisions of Parts 551 and 555 that impose obligations on owners and that these requirements go beyond the scope of liability the Legislature set forth in Environmental Conservation Law (ECL) 23-0305(8)(e). ECL 23-0305(8)(e) authorizes the Department to plug an abandoned well when an owner or operator refuses to perform this obligation. While the law sets forth that the financial responsibility for plugging shall be at the expense of the owner or operator, it also provides that the primary responsibility for plugging and for maintenance of financial surety is with the operator. Based upon this statutory language, respondent Hogan argues that the regulation providing for owner liability is ultra vires.

In *James R. Lee, et al* (December 12, 1989), the Commissioner addressed the owner's obligation to provide financial security for the plugging of abandoned oil and gas wells set forth in 6 NYCRR 551.3. Based upon a review of the legislative and regulatory history, former Commissioner Jorling decided that the regulation mandates owner and operator responsibility for provision of adequate financial security. The Commissioner concluded that the Department's determination to promulgate this regulation was based upon adequate statutory



authority and was a final decision of the agency. Thus, the administrative hearing is not the appropriate forum to raise a challenge to the agency's authority to promulgate the regulation. Accordingly, I deny respondent Hogan's motion to dismiss the complaint on the basis that it fails to state a cause of action.

#### **Failure to Prosecute, Delay and Statute of Limitations**

The respondent Hogan alleges that because he transferred his rights to the oil wells in question in 1986, this proceeding should be dismissed because the Department has failed to prosecute in a timely fashion, Staff has delayed unreasonably and the matter is barred by the statute of limitations.

Because this is an administrative proceeding, CPLR 3216, which sets forth the procedures to dismiss an action on the ground of failure to prosecute, is not applicable. Moreover, even if this provision was applicable to this proceeding, as noted by Staff, CPLR 3216 requires that the party seeking such relief make a written demand for the resumption of prosecution on the adverse party. Since respondent Hogan has not presented proof of service of such demand, he has not met the requirements for dismissal on this ground.

There is no statute of limitations that is applicable to administrative proceedings and this is not a criminal matter subject to speedy trial provisions. See, Commissioner's Order, *Breeze Hill Farm* (July 21, 1993). However, the State Administrative Procedures Act (SAPA) 301(1) provides that "[in] an adjudicatory proceeding, all parties shall be afforded an opportunity for a hearing within a reasonable time." While the statute does not define that time period, the Court of Appeals has set forth criteria to determine what constitutes a reasonable period in each case. *Cortlandt Nursing Home v. Axelrod*, 66 NY2d 169 (1985).

In *Cortlandt*, the court examined the reasonableness of the administrative delay based upon the period that had passed from the date the hearing was requested and the date the hearing was conducted. In this case, because the respondents did not request a hearing, the reasonableness of the delay would be based upon the period that transpired from the date Staff discovered the alleged violations until its action to enforce the regulations. See, *Manor Maintenance Corp., et al*, Rulings of the ALJ (March 25, 1992). The Staff's pleadings do not specify when the Department first became aware of respondent Hogan's failure to comply with the regulations. While respondent Hogan reiterates his alleged disassociation from the wells in 1986, based upon the provisions in 6 NYCRR 551.4(c) which require the maintenance of financial security by an owner, the alleged violations may be ongoing. And, in his affidavit of February 12, 1996, Mr. Arieda does speak to attempts by Staff in earlier years to obtain compliance, indicating an earlier response by Staff. In this affidavit, Mr. Arieda describes the Department's improved compliance system of 1993 that enabled staff to obtain information about additional wells on the Daggett lease that were not being reported.

In any event, in addition to an assessment of the period of alleged delay, the *Cortlandt* decision sets forth that the reasonableness of the delay should be based upon (1) the nature of the private interest allegedly compromised by delay; (2) the actual prejudice to the private party; (3) the causal connection between the conduct of the parties and the delay; and (4) the underlying public policy advanced by government regulation. 66 NY2d 169 at 178. Other than to claim that the respondent Hogan is elderly and to state that in 1986 he transferred his interest in the wells to another entity, this respondent failed to set forth any facts that would demonstrate the substantial prejudice that *Cortlandt* requires in order to find unreasonable delay. Thus, I cannot dismiss the Staff's case against Mr. Hogan based upon an unsupported claim of unreasonable delay.

### **Summary Decision**

Respondent Hogan argues that even if the regulations were applicable to him as an owner, he is entitled to summary judgment because the deed he has provided shows a transfer of ownership in 1986 to Hogan Energy, Inc. Without making any determination on the deed or the role of respondent Hogan in Hogan Energy, Inc., because the regulations require the owner to maintain proper financial surety until a subsequent owner has filed financial security to the Department or the well has been plugged and abandoned to the satisfaction of DEC, there is no basis to grant summary judgment. See, 6 NYCRR 551.4(c); *Lee Oil v. Jorling*, 190 AD2d 1072 (4th Dep't 1993).

### **Staff's Cross Motion To Amend Complaint**

By notice of cross motion dated February 9, 1996, Department Staff moved to amend its complaint. Section 622.5(b) of 6 NYCRR provides that in accordance with the CPLR, a party may amend its pleading prior to the final decision of the commissioner by permission of the ALJ and absent prejudice to the ability of the other party to respond. As noted by the Staff in its brief, the courts have held that leave to amend should be granted freely.

The Staff has filed a proposed amended complaint that adds a cause of action based upon Mr. Arieda's affidavit dated December 9, 1994 in which he alleged that the respondents did not submit annual production reports for 1987-1992 as required by 551.2. In addition, the Staff has added causes of action regarding violations of 6 NYCRR 555.1 and 555.4 which concern abandonment without notice, permit, plugging and surface restoration. According to Staff, these causes of action relates to wells that were identified by the respondents in annual production reports as no longer active yet which have not been the subject of a request for a plugging permit. Both of these alleged violations relate to matters previously raised by the Staff in its original pleadings. Thus, I do not believe that the respondents are in any way prejudiced by these amendments.



Counsel for respondents Daggett Oil Company, Hogan Energy, Inc., and William F. Hogan submitted an attorney's affidavit in opposition to Staff's motion to amend the complaint dated March 1, 1996. In this document, respondents allege that the original complaint was too vague and therefore should be dismissed. As the Staff has cured deficiencies in its amended complaint, dismissal is not warranted. Respondent's claim that amendment at this time would be unjust because a year has gone by since the service of the original complaint. However, the affidavit fails to set forth any facts that would demonstrate the prejudice that would befall the respondents by granting this amendment. Respondents' suggestion that the Staff file a new complaint would only extend the delay and add unnecessary work.

Respondents allege that the amended complaint is still defective with respect to certain allegations. However, the pleading only has to be a simple statement; other matters may be developed at hearing. With respect to respondents' explanation of the history of the subject wells and the roles of the respective individual parties, these matters are more properly brought forth in a hearing by an appropriate witness under oath. Similarly, factual defenses regarding the applicability of the regulations should be developed at hearing. As to the penalty provision relied upon by Staff, the amended complaint cites to the previous version of this law as well as the current version and thus, would be applicable to violations occurring from August 27, 1981 until the effective date of the amended law. In its reply affirmation dated March 15, 1996, staff identify the regulations at issue and note the previous versions that were in effect in 1966, 1972 and 1985.

Staff also seeks to raise the penalty amount it requested from \$150,000 to \$500,000 with \$200,000 suspended in the event all abandoned wells are properly plugged within two years of the effective date of the order. Based upon the liberal provisions in the CPLR and the applicable regulations regarding amendment of pleadings and the Staff's inclusion of additional alleged violations, I will permit this amendment. However, as noted above, Staff must present the basis for this penalty pursuant to the 1990 civil penalty policy.

## **Conclusion and Further Proceedings**

The respondent Hogan's motion to dismiss the complaint is denied and the Staff's motion to amend is granted. Based upon statements by counsel in the reply affirmation of staff (9), I must clarify that the amended complaint of the staff constitutes the only complaint, at this time, upon which this enforcement proceeding is based.

The respondents shall submit answers to the amended complaint by no later than twenty days from receipt of this ruling. Any discovery by the parties must be complete within ninety days from receipt of this ruling. By no later than July 1, 1996, the Staff shall file its statement of readiness for adjudicatory hearing with this office.

\_\_\_\_\_/s/\_\_\_\_\_  
\_\_\_\_\_

Helene G. Goldberger  
Administrative Law Judge

Dated: Albany, New York  
March 20, 1996

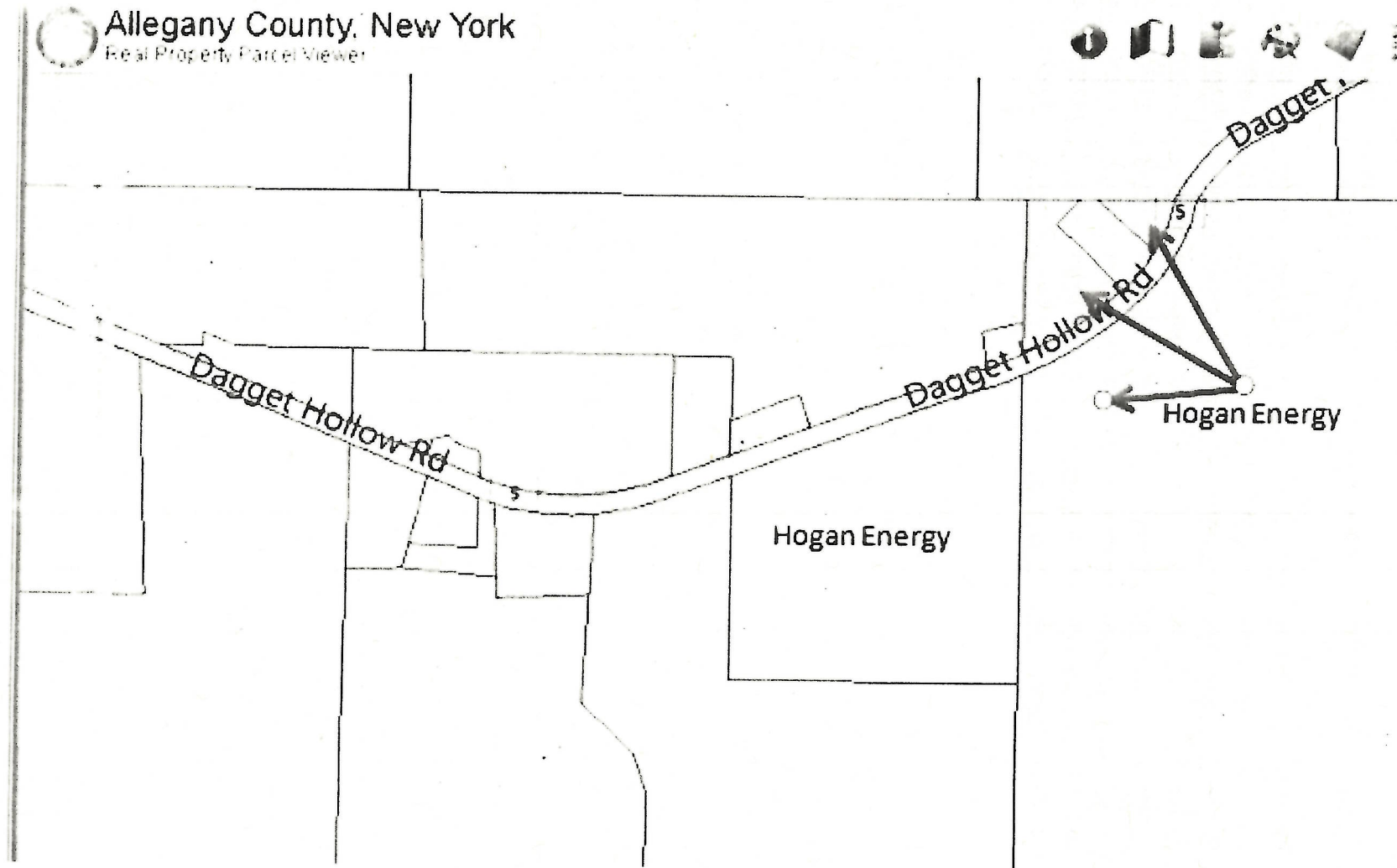
To: Leslie T. Grover  
7763 Jordan Hill Road  
Bolivar, NY 14715

G. William Gunner, Esq.  
Embser and Woltag, P.C.  
164 North Main Street  
Wellsville, NY 14895

Joseph M. Kowalczyk, Esq.  
NYS Department of Environmental Conservation  
50 Wolf Road  
Albany, NY 12233-5500

ENCLOSURE #3

## Hogan – Owned Parcels



ENCLOSURE #4  
HOGAN-OWNED PRODUCTION WELLS

API Well Number	Well Name	Company Name	Well Type	Well Status	Surface Longitude	Surface Latitude
3100368681	Daggett 166	Hogan Energy, Inc.	Oil Development	Inactive	-78.22362	42.08257
3100368682	Daggett 184	Hogan Energy, Inc.	Oil Development	Inactive	-78.22054	42.08421
3100368683	Daggett 185	Hogan Energy, Inc.	Oil Development	Inactive	-78.2215	42.0842
3100368684	Daggett 188	Hogan Energy, Inc.	Oil Development	Inactive	-78.22105	42.0838
3100368685	Daggett 192	Hogan Energy, Inc.	Oil Development	Inactive	-78.22306	42.08299
3100368686	Daggett 193	Hogan Energy, Inc.	Oil Development	Inactive	-78.22198	42.08378
3100368687	Daggett 194	Hogan Energy, Inc.	Oil Development	Inactive	-78.22251	42.0834
3100315465	Daggett 198	Hogan Energy, Inc.	Oil Development	Inactive	-78.21969	42.0845





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

File

JAN 10 2014

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**  
**Article number: 7005 3110 0000 5951 1626**

Gilbert Anderson, P.E.  
Suffolk County Department of Public Works  
335 Yaphank Avenue  
Yaphank, NY 11980

Re: Underground Injection Control (UIC) Program Regulation  
Request for Information: SDWA-UIC-IR-14-003  
Suffolk County DPW (UICID: 14NY10306009)  
East side of Nichols Rd, North of Portion Rd, NY  
Suffolk County

Dear Mr. Anderson:

An inspection of the facility referenced above was conducted by a representative of New York State Department of Environmental Conservation in April of 2013. The inspection revealed that the facility referenced above may be operating underground injection wells subject to EPA jurisdiction under the Safe Drinking Water Act. EPA records indicate that the above-referenced facility has not inventoried any underground injection wells as required by 40 Code of Federal Regulations (CFR) §§144.26, 144.27 and 144.83(a). EPA records also indicate that the above-referenced facility has not received authorization to emplace fluids into an underground injection well by permit, in accordance with 40 C.F.R. §144.31, or by rule, in accordance with §§144.24 and 144.84. Failure to operate an injection well under authorization by rule or permit constitutes noncompliance with Underground Injection Control (UIC) program regulations. The UIC program regulations are designed to assure that the operation of injection wells will not contaminate underground sources of drinking water (USDW) and endanger human health.

Road salt runoff including anti-caking agents may be draining to this well. Specifically, one or more drains at your facility were found to potentially discharge to an injection well such as a drywell, septic system or cesspool.

**REQUIRED ACTIONS**

Submit the following information within 30 days of receipt of this letter:

- Identify the discharge point(s) for each of the drains at your facility. Acceptable options include but are not limited to dye testing of drains and as built diagrams of facility showing piping.

Internet Address (URL) • <http://www.epa.gov>

Recycled/Recyclable • Printed with Vegetable Oil Based Inks on Recycled Paper (Minimum 50% Postconsumer content)



- As required by 40 CFR §§144.26, 144.27 and 144.83(a), should any drains discharge to one or more injection wells, you must complete inventory forms for these injection wells. Enclosed is an inventory form (EPA Form 7520-16) and a request for information that must be completed if you possess a facility which uses an underground injection well. Also enclosed is a listing of Class V injection well types and instructions (Enclosure 1). Please use Enclosure 1 when filling out the inventory form. These documents can also be found on the internet at:

<http://www.epa.gov/safewater/uic/pdfs/7520-16.pdf>

[http://www.epa.gov/region02/water/compliance/supplemental\\_instructions\\_inventory.pdf](http://www.epa.gov/region02/water/compliance/supplemental_instructions_inventory.pdf)

[http://www.epa.gov/region02/water/compliance/wellclasstypetable\\_inventoryc\\_form](http://www.epa.gov/region02/water/compliance/wellclasstypetable_inventoryc_form)

- For any injection well inventoried above, you must submit a detailed description of all types of fluids that are or may be discharged into the injection well.

Please submit all information to the following address:

Nicole Foley Kraft, Chief  
Ground Water Compliance Section  
United States Environmental Protection Agency  
290 Broadway, 20<sup>th</sup> Floor  
New York, NY 10007-1866  
Re: 14NY10306009  
Attn: Robert Ferri

## **NOT OPERATING AN INJECTION WELL?**

If you are certain that there are no discharges from this facility into a UIC Class V well, you must submit verification that all drains discharge to somewhere other than an injection well, such as the storm or sanitary sewer; surface water such as a stream, lake, etc.; or onto the ground surface. Examples of verification would be: 1) a letter from the superintendent of the Sewer Authority reporting that no drains at the facility discharge to an injection well and where they do discharge, or 2) results from a dye test performed by a licensed engineer or plumber proving the drain(s) discharge to somewhere other than an injection well or 3) an updated plumbing blueprint of the facility verifying where each drain discharges and that none discharge to an injection well.

## **REQUIRED WELL CLOSURES**

Pursuant to 40 CFR §§144.12 and 144.84, if you operate a motor vehicle waste disposal well, the Director of the UIC program will require that you properly close the well pursuant to a closure plan approved by EPA or obtain a permit for continued operation.

If you operate a large-capacity cesspool (a cesspool which serves a multiple dwelling community or regional system, or for a non-residential system serves more than 19 persons a day) you were to have closed the cesspool by April 5, 2005, as required by 40 CFR §144.88. Cesspools and septic systems are defined as follows:

- A cesspool is a drywell/leach pit that directly receives untreated sanitary waste containing human excreta. A cesspool system does not utilize a septic tank to retain and treat sanitary waste.
- In a septic system, sanitary waste is first discharged through a septic tank, where solids are removed and biologic treatment occurs, and the treated sanitary waste is then discharged to a drywell/leachpit or to a drain field.

Failure to respond to this letter truthfully and accurately within the time provided may subject you to sanctions authorized by federal law. Please also note that all information submitted by you may be used in an administrative, civil judicial, or criminal action. In addition, making a knowing submission of materially false information to the U.S. Government may be a criminal offense.

If you have any questions please contact Robert Ferri of my staff at (212) 637-4227 or by email at [ferri.robert@epa.gov](mailto:ferri.robert@epa.gov).

Sincerely,



Douglas McKenna, Chief  
Water Compliance Branch

Enclosures

cc: Bill Spitz  
NYSDEC, Region 1  
SUNY Stony Brook, 50 Circle Rd  
Stony Brook, NY 11790

James Meyers, P.E.  
Division of Environmental Quality, Office of Pollution Control  
Suffolk County Dept. of Health  
15 Horseblock Place  
Farmingville, NY 11738



File



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

JAN 13 2014

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**Article Number: 7005 3110 0000 5951 1657**

Carl Beardsley  
Broome County Department of Aviation  
2534 Airport Road  
Johnson City, NY 13790

Re: Underground Injection Control (UIC) Program Regulation  
Permit/Closure Plan Request  
Request for Information: SDWA-UIC-IR-14-004  
Broome County Department of Aviation Maint. Build. (UICID: 06NY00713855)  
50 Dawes Drive  
Johnson City, NY 13790

Dear Mr. Beardsley:

An inspection of the above-referenced facility has revealed that your facility has temporarily sealed banned discharges from your vehicle service area. Shop floor drains that flow to an oil/water separator and discharge to a large sanitary system are subject to U.S. Environmental Protection Agency (EPA) jurisdiction under the Safe Drinking Water Act.

In accordance with 40 Code of Federal Regulations (C.F.R.) §144, you must permanently close off the potential discharge or apply for a permit. EPA records indicate that the injection well (sanitary system) described above is not authorized by permit in accordance with 40 C.F.R. nor has the well been authorized to inject subsequent to the submittal of inventory information in accordance with C.F.R. §144.26. Failure to operate an injection well under authorization by rule or permit constitutes noncompliance with Underground Injection Control (UIC) program regulations. Because motor vehicle fluid waste disposal wells frequently receive wastes contaminated with metal and organic pollutants, the well identified above may contaminate underground sources of drinking water (USDW) and endanger human health; **you must permanently close the discharge to the well or submit a permit application within thirty (30) days of receipt of this letter.**

Instructions for UIC Class V well closure plans and permit applications are enclosed. An EPA UIC injection well permit would require you to have a sample collected and analyzed by a certified drinking water laboratory periodically. For this reason, **EPA strongly recommends that you choose to permanently close the well. Before you close the well, you must submit a closure plan to EPA, and receive EPA's approval of the plan.**



In addition, should you own or operate other facilities using underground injection wells, you must, as required by 40 CFR §§144.26, 144.27 and 144.83(a), complete inventory forms for these facilities. Enclosed is an inventory form (EPA Form 7520-16) and a request for information that must be completed if you possess a facility which uses an underground injection well. Enclosed is a listing of Class V injection well types. Please use this enclosure when filling out the inventory form.

Furthermore, if you are certain that the drain(s) identified by the recent inspection could not discharge into a UIC Class V well, you must submit verification that the injection well does not exist. Examples of verification would be a letter from the Superintendent of the Sewer Authority or results from a dye test proving a drain connection to storm or sanitary sewer systems. An updated plumbing blueprint may also serve to demonstrate a drain connection to surface points of discharge or sewer systems.

Please submit UIC inventory forms, permit applications or proposed closure plans to the following address:

Nicole Foley Kraft, Chief  
Ground Water Compliance Section  
United States Environmental Protection Agency  
290 Broadway, 20<sup>th</sup> Floor  
New York, NY 10007-1866  
Re: 06NY00713855  
Attn: Robert Ferri

Failure to respond to this letter truthfully and accurately within the time provided may subject you to sanctions authorized by federal law. Please also note that all information submitted by you may be used in an administrative, civil judicial or criminal action. In addition, making a knowing submission of materially false information to the U.S. Government may be a criminal offense.

Should you have any questions please contact Robert Ferri of my staff at (212) 637-4227 or ferri.robert@epa.gov.

Sincerely,



 Douglas McKenna, Chief  
Water Compliance Branch

Enclosures



cc: Steve Eidt  
NYSDEC, Region 7  
615 Erie Blvd. West  
Syracuse, NY 13204

Chris Coddington  
Broome County Health Dept.  
225 Front Street  
Binghamton, NY 13905





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

af  
file

JAN 13 2014

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**Article Number: 7005 3110 0000 5940 0401**

Sergey Sirotkin  
Anna Auto Repair Shop  
1689 Airport Road  
Binghamton, NY 13905

Re: Underground Injection Control (UIC) Program Regulation  
Request for Information: SDWA-UIC-IR-14-005  
Anna Auto Repair Shop (UICID: 06NY00713387)  
1689 Airport Road  
Binghamton, NY 13905  
Broome County

Dear Mr. Sirotkin:

An inspection of the facility referenced above was conducted on June 4, 2013. The inspection revealed that the facility may be operating underground injection wells subject to EPA jurisdiction under the Safe Drinking Water Act. EPA records indicate that the above-referenced facility has not inventoried any underground injection wells as required by 40 Code of Federal Regulations (CFR) §§144.26, 144.27 and 144.83(a). EPA records also indicate that the above-referenced facility has not received authorization to emplace fluids into an underground injection well by permit, in accordance with 40 C.F.R. §144.31, or by rule, in accordance with §§144.24 and 144.84. Failure to operate an injection well under authorization by rule or permit constitutes noncompliance with Underground Injection Control (UIC) program regulations. The UIC program regulations are designed to assure that the operation of injection wells will not contaminate underground sources of drinking water (USDW) and endanger human health.

Specifically, one or more drains at your facility were found to potentially discharge to an injection well such as a drywell, septic system or cesspool as follows: two (2) floor drains covered with rubber mats in the work bay of the above referenced shop discharge to an unknown location.

**REQUIRED ACTIONS**

Submit the following information within 30 days of receipt of this letter:

- Identify the discharge point for each of the drains at your facility. Acceptable options include but are not limited to dye testing of drains and as built diagrams of facility showing piping.



As required by 40 CFR §§144.26, 144.27 and 144.83(a), should any drains discharge to one or more injection wells, you must complete inventory forms for these injection wells. Enclosed is an inventory form (EPA Form 7520-16) and a request for information that must be completed if you possess a facility which uses an underground injection well. Also enclosed is a listing of Class V injection well types and instructions (Enclosure 1). Please use Enclosure 1 when filling out the inventory form. These documents can also be found on the internet at:

<http://www.epa.gov/safewater/uic/pdfs/7520-16.pdf>

[http://www.epa.gov/region02/water/compliance/supplemental\\_instructions\\_inventory.pdf](http://www.epa.gov/region02/water/compliance/supplemental_instructions_inventory.pdf)

[http://www.epa.gov/region02/water/compliance/wellclasstypetable\\_inventoryc\\_form](http://www.epa.gov/region02/water/compliance/wellclasstypetable_inventoryc_form)

- For any injection well inventoried above, you must submit a detailed description of all types of fluids that are or may be discharged into the injection well.

Please submit all information to the following address:

Nicole Foley Kraft, Chief  
Ground Water Compliance Section  
United States Environmental Protection Agency  
290 Broadway, 20<sup>th</sup> Floor  
New York, NY 10007-1866  
Re: 06NY00713387  
Attn: Robert Ferri

## **NOT OPERATING AN INJECTION WELL?**

If you are certain that there are no discharges from this facility into a UIC Class V well, you must submit verification that all drains discharge to somewhere other than an injection well, such as the storm or sanitary sewer; surface water such as a stream, lake, etc.; or onto the ground surface. Examples of verification would be: 1) a letter from the superintendent of the Sewer Authority reporting that no drains at the facility discharge to an injection well and where they do discharge, or 2) results from a dye test performed by a licensed engineer or plumber proving the drain(s) discharge to somewhere other than an injection well or 3) an updated plumbing blueprint of the facility verifying where each drain discharges and that none discharge to an injection well.

## **REQUIRED WELL CLOSURES**

Pursuant to 40 CFR §144.12 and 144.84, if you operate a motor vehicle waste disposal well, the Director of the UIC program will require that you properly close the well pursuant to a closure plan approved by EPA or obtain a permit for continued operation.

If you operate a large-capacity cesspool (a cesspool which serves a multiple dwelling community or regional system, or for a non-residential system serves more than 19 persons a day) you were to have closed the cesspool by April 5, 2005, as required by 40 CFR§144.88.

Cesspools and septic systems are defined as follows:

- A cesspool is a drywell/leach pit that directly receives untreated sanitary waste containing human excreta. A cesspool system does not utilize a septic tank to retain and treat sanitary waste.
- In a septic system, sanitary waste is first discharged through a septic tank, where solids are removed and biologic treatment occurs, and the treated sanitary waste is then discharged to a drywell/leachpit or to a drain field.

If you operate a large capacity cesspool please contact Robert Ferri at (212) 637-4227.

Failure to respond to this letter truthfully and accurately within the time provided may subject you to sanctions authorized by federal law. Please also note that all information submitted by you may be used in an administrative, civil judicial or criminal action. In addition, making a knowing submission of materially false information to the U.S. Government may be a criminal offense.

If you have any questions please contact Robert Ferri of my staff at (212) 637-4227 or by e-mail at [ferri.robert@epa.gov](mailto:ferri.robert@epa.gov).

Sincerely,



*for* Douglas McKenna, Chief  
Water Compliance Branch

Enclosures

cc: Steve Eidt  
NYSDEC, Region 7  
615 Erie Blvd. West  
Syracuse, NY 13204

Chris Coddington  
Broome County Health Dept.  
225 Front Street  
Binghamton, NY 13905







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

of file

JAN 15 2014

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Article number: 7005 3110 0000 5951 1633 – 7005 3110 0000 59511671

M. Spiegel and Sons  
P.O. Box 833  
Tuxedo, NY 10987

James Potter  
Potter's Towing and Recovery  
5 Rudolph Road  
Modena, NY 12548

Re: Underground Injection Control (UIC) Program Regulation  
Permit/Closure Plan Request  
Request for Information: SDWA-UIC-IR-14-006  
Potter's Towing and Recovery (UICID: 14NY11106010)  
5 Rudolph Road  
Modena, NY 12548

Dear Messieurs Spiegel and Potter:

An inspection of the above-referenced facility on January 8, 2014 has revealed that your facility is operating an underground injection well subject to U.S. Environmental Protection Agency (EPA) jurisdiction under the Safe Drinking Water Act. The inspection noted the following: **A regulated motor vehicle shop drywell was temporarily sealed off with a metal plate approximately ten (10) years ago. A proper closure was not conducted to premanently close this well.**

In accordance with 40 Code of Federal Regulations (CFR) Part 144, you must permanently close the well or apply for a permit. EPA records indicate that the injection well described above is not authorized by permit in accordance with 40 CFR §144.31 nor has the well been authorized to inject subsequent to the submittal of inventory information in accordance with 40 CFR §144.26. Failure to operate an injection well under authorization by rule or permit constitutes noncompliance with Underground Injection Control (UIC) program regulations. Because motor vehicle fluid waste disposal wells frequently receive wastes contaminated with metal and organic pollutants, the well identified above may contaminate underground sources of drinking water (USDW) and endanger human health; **you must submit a closure plan or permit application within thirty (30) days of receipt of this letter.** Instructions for UIC Class V well closure plans and permit applications are enclosed. It is EPA's experience that the cost of treating wastes injected into wells such as yours, to ensure the removal of contaminants, would be substantial. In addition, an EPA UIC injection well permit would require you to have a sample collected and analyzed by a certified drinking water laboratory

periodically. For these reasons, **EPA strongly recommends that you choose to close the well. Before you close the well, you must submit a closure plan to EPA, and receive EPA's approval of the plan.**

In addition, should you own or operate other facilities using underground injection wells, you must, as required by 40 CFR §§144.26, 144.27 and 144.83(a), complete inventory forms for these facilities. Enclosed is an inventory form (EPA Form 7520-16) and a request for information that must be completed if you possess a facility which uses an underground injection well. Enclosed is a listing of Class V injection well types. Please use this enclosure when filling out the inventory form.

Furthermore, if you are certain that the drain(s) identified by the recent inspection does not discharge into a UIC Class V well, you must submit verification that the injection well does not exist. Examples of verification would be a letter from the Superintendent of the Sewer Authority or results from a dye test proving a drain connection to storm or sanitary sewer systems. An updated plumbing blueprint may also serve to demonstrate a drain connection to surface points of discharge or sewer systems.

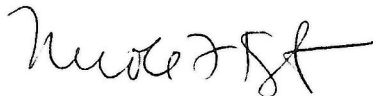
Please submit UIC inventory forms, permit applications or proposed closure plans to the following address:

Nicole Foley Kraft, Chief  
Ground Water Compliance Section  
United States Environmental Protection Agency  
290 Broadway, 20<sup>th</sup> Floor  
New York, NY 10007-1866  
Re: 14NY11106010  
Attn: Robert Ferri

Failure to respond to this letter truthfully and accurately within the time provided may subject you to sanctions authorized by federal law. Please also note that all information submitted by you may be used in an administrative, civil judicial or criminal action. In addition, making a knowing submission of materially false information to the U.S. Government may be a criminal offense.

Should you have any questions please contact Robert Ferri of my staff at (212) 637-4227 or ferri.robert@epa.gov.

Sincerely,

  
for Douglas McKenna, Chief  
Water Compliance Branch

Enclosures

cc: Thomas Rudolph, P.E.  
NYSDEC, Region 3  
100 Hillside Avenue, Suite 1W  
White Plains, NY 10603

Carol Smith, M.D., M.P.H.  
Ulster County Health Dept.  
300 Flatbush Avenue  
Kingston, NY 12401







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

*file*

**JAN 15 2014**

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**Article Number: 7005 3110 0000 4665 1120**

Mike Jaber, Manager  
BP Global, Inc.  
1225 Sycamore Street  
Buffalo, NY 14221

Re: Underground Injection Control (UIC) Program Regulation  
Request for Information: SDWA-UIC-IR-14-007  
BP Global, Inc. (UICID: 13NY02913002)  
1225 Sycamore Street  
Buffalo, NY 14221  
Erie County

Dear Mr. Jaber:

An inspection of the facility referenced above was conducted on May 10, 2013. The inspection revealed that the facility may be operating underground injection wells subject to EPA jurisdiction under the Safe Drinking Water Act. EPA records indicate that the above-referenced facility has not inventoried any underground injection wells as required by 40 Code of Federal Regulations (CFR) §§144.26, 144.27 and 144.83(a). EPA records also indicate that the above-referenced facility has not received authorization to emplace fluids into an underground injection well by permit, in accordance with 40 C.F.R. §144.31, or by rule, in accordance with 40 CFR §§144.24 and 144.84. Failure to operate an injection well under authorization by rule or permit constitutes noncompliance with Underground Injection Control (UIC) program regulations. The UIC program regulations are designed to assure that the operation of injection wells will not contaminate underground sources of drinking water (USDW) and endanger human health.

Specifically, one or more drains at your facility were found to potentially discharge to an injection well such as a drywell, septic system or cesspool as follows:

- One service bay floor drain on site receiving vehicle runoff needs verification of its discharge point.

**REQUIRED ACTIONS**

Submit the following information within 30 days of receipt of this letter:

- Identify the discharge point for each of the drains at your facility. Acceptable options include but are not limited to dye testing of drains and as built diagrams of facility showing piping.

As required by 40 CFR §§144.26, 144.27 and 144.83(a), should any drains discharge to one or more injection wells, you must complete inventory forms for these injection wells. Enclosed is an inventory form (EPA Form 7520-16) and a request for information that must be completed if you possess a facility which uses an underground injection well. Also enclosed is a listing of Class V injection well types and instructions (Enclosure 1). Please use Enclosure 1 when filling out the inventory form. These documents can also be found on the internet at:

<http://www.epa.gov/safewater/uic/pdfs/7520-16.pdf>

[http://www.epa.gov/region02/water/compliance/supplemental\\_instructions\\_inventory.pdf](http://www.epa.gov/region02/water/compliance/supplemental_instructions_inventory.pdf)

[http://www.epa.gov/region02/water/compliance/wellclasstypetable\\_inventoryc\\_form](http://www.epa.gov/region02/water/compliance/wellclasstypetable_inventoryc_form)

- For any injection well inventoried above, you must submit a detailed description of all types of fluids that are or may be discharged into the injection well.

Please submit all information to the following address:

Nicole Foley Kraft, Chief  
Ground Water Compliance Section  
United States Environmental Protection Agency  
290 Broadway, 20<sup>th</sup> Floor  
New York, NY 10007-1866  
Re: 13NY02913002  
Attn: Nonny Ortega

### **NOT OPERATING AN INJECTION WELL?**

If you are certain that there are no discharges from this facility into a UIC Class V well, you must submit verification that all drains discharge to somewhere other than an injection well, such as the storm or sanitary sewer; surface water such as a stream, lake, etc.; or onto the ground surface. Examples of verification would be: 1) a letter from the superintendent of the Sewer Authority reporting that no drains at the facility discharge to an injection well and where they do discharge, or 2) results from a dye test performed by a licensed engineer or plumber proving the drain(s) discharge to somewhere other than an injection well or 3) an updated plumbing blueprint of the facility verifying where each drain discharges and that none discharge to an injection well.

### **REQUIRED WELL CLOSURES**

If you operate a large-capacity cesspool (a cesspool which serves a multiple dwelling community or regional system, or for a non-residential system serves more than 19 persons a day) you were to have closed the cesspool by April 5, 2005, as required by 40 CFR §144.88. Cesspools and septic systems are defined as follows:

- A cesspool is a drywell/leach pit that directly receives untreated sanitary waste containing human excreta. A cesspool system does not utilize a septic tank to retain and treat sanitary waste.



- In a septic system, sanitary waste is first discharged through a septic tank, where solids are removed and biologic treatment occurs, and the treated sanitary waste is then discharged to a drywell/leachpit or to a drainfield.

If you operate a large capacity cesspool please contact Norma Ortega at (212) 637-4234.

Pursuant to 40 CFR §§144.12 and 144.84, if you operate a motor vehicle waste disposal well, the Director of the UIC program will require that you properly close the well pursuant to a closure plan approved by EPA or obtain a permit for continued operation.

Failure to respond to this letter truthfully and accurately within the time provided may subject you to sanctions authorized by federal law. Please also note that all information submitted by you may be used in an administrative, civil judicial, or criminal action. In addition, making a knowing submission of materially false information to the U.S. Government may be a criminal offense.

If you have any questions please contact Nonny Ortega of my staff at (212) 637-4234.

Sincerely,



for Douglas McKenna, Chief  
Water Compliance Branch

Enclosures

cc: Jeffrey Konsella  
NYSDEC, Region 9  
270 Michigan Avenue  
Buffalo, NY 14203-2999

Tom Casey, P.E.  
Erie County Division of Environmental Health  
95 Franklin Street  
Buffalo, NY 14202





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

JAN 15 2014

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**Article Number:** 7005 3110 0000 5951 4290

Dennis & Daryel Martin  
Martin Brothers Chevrolet  
615 West Main Street  
Arcade, NY 14009

Re: Underground Injection Control (UIC) Program Regulation  
Request for Information: SDWA-UIC-IR-14-008  
Martin Brothers Chevrolet (UICID: 06NY12113735)  
615 West Main Street  
Arcade, NY 14009  
Wyoming County

Dear Messieurs:

An inspection of the facility referenced above was conducted on May 7, 2013. The inspection revealed that the facility may be operating underground injection wells subject to EPA jurisdiction under the Safe Drinking Water Act. EPA records indicate that the above-referenced facility has not inventoried any underground injection wells as required by 40 Code of Federal Regulations (CFR) §§144.26, 144.27 and 144.83(a). EPA records also indicate that the above-referenced facility has not received authorization to emplace fluids into an underground injection well by permit, in accordance with 40 C.F.R. §144.31, or by rule, in accordance with 40 CFR §§144.24 and 144.84. Failure to operate an injection well under authorization by rule or permit constitutes noncompliance with Underground Injection Control (UIC) program regulations. The UIC program regulations are designed to assure that the operation of injection wells will not contaminate underground sources of drinking water (USDW) and endanger human health.

Specifically, one or more drains at your facility were found to potentially discharge to an injection well such as a drywell, septic system or cesspool as follows:

Two floor and three stormdrains need verification of their discharge points, at present unknown.

**REQUIRED ACTIONS**

Submit the following information within 30 days of receipt of this letter:

- Identify the discharge point for each of the drains at your facility. Acceptable options include but are not limited to dye testing of drains and as built diagrams of facility showing piping.

As required by 40 CFR §§144.26, 144.27 and 144.83(a), should any drains discharge to one or more injection wells, you must complete inventory forms for these injection wells. Enclosed is an inventory form (EPA Form 7520-16) and a request for information that must be completed if you possess a facility which uses an underground injection well. Also enclosed is a listing of Class V injection well types and instructions (Enclosure 1). Please use Enclosure 1 when filling out the inventory form. These documents can also be found on the internet at:

<http://www.epa.gov/safewater/uic/pdfs/7520-16.pdf>

[http://www.epa.gov/region02/water/compliance/supplemental\\_instructions\\_inventory.pdf](http://www.epa.gov/region02/water/compliance/supplemental_instructions_inventory.pdf)

[http://www.epa.gov/region02/water/compliance/wellclasstypetable\\_inventoryc\\_form](http://www.epa.gov/region02/water/compliance/wellclasstypetable_inventoryc_form)

- For any injection well inventoried above, you must submit a detailed description of all types of fluids that are or may be discharged into the injection well.

Please submit all information to the following address:

Nicole Foley Kraft, Chief  
Ground Water Compliance Section  
United States Environmental Protection Agency  
290 Broadway, 20<sup>th</sup> Floor  
New York, NY 10007-1866  
Re: 06NY12113735  
Attn: Nonny Ortega

### **NOT OPERATING AN INJECTION WELL?**

If you are certain that there are no discharges from this facility into a UIC Class V well, you must submit verification that all drains discharge to somewhere other than an injection well, such as the storm or sanitary sewer; surface water such as a stream, lake, etc.; or onto the ground surface. Examples of verification would be: 1) a letter from the superintendent of the Sewer Authority reporting that no drains at the facility discharge to an injection well and where they do discharge, or 2) results from a dye test performed by a licensed engineer or plumber proving the drain(s) discharge to somewhere other than an injection well or 3) an updated plumbing blueprint of the facility verifying where each drain discharges and that none discharge to an injection well.

### **REQUIRED WELL CLOSURES**

If you operate a large-capacity cesspool (a cesspool which serves a multiple dwelling community or regional system, or for a non-residential system serves more than 19 persons a day) you were to have closed the cesspool by April 5, 2005, as required by 40 CFR §144.88. Cesspools and septic systems are defined as follows:



- A cesspool is a drywell/leach pit that directly receives untreated sanitary waste containing human excreta. A cesspool system does not utilize a septic tank to retain and treat sanitary waste.
- In a septic system, sanitary waste is first discharged through a septic tank, where solids are removed and biologic treatment occurs, and the treated sanitary waste is then discharged to a drywell/leachpit or to a drainfield.


If you operate a large capacity cesspool please contact Norma Ortega at (212) 637-4234.

Pursuant to 40 CFR §§144.12 and 144.84, if you operate a motor vehicle waste disposal well, the Director of the UIC program will require that you properly close the well pursuant to a closure plan approved by EPA or obtain a permit for continued operation.

Failure to respond to this letter truthfully and accurately within the time provided may subject you to sanctions authorized by federal law. Please also note that all information submitted by you may be used in an administrative, civil judicial, or criminal action. In addition, making a knowing submission of materially false information to the U.S. Government may be a criminal offense.

If you have any questions please contact Nonny Ortega of my staff at (212) 637-4234.

Sincerely,

  
for Douglas McKenna, Chief  
Water Compliance Branch

Enclosures

cc: Jeffrey Konsella  
NYSDEC, Region 9  
270 Michigan Avenue  
Buffalo, NY 14203-2999

Walter Koch, P.E.  
Wyoming County Health Dept.  
338 North Main Street  
Warsaw, NY 14569





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

JAN 17 2014

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**Article Number: 7005 3110 0000 5951 1640 – 7005 3110 0000 5951 1701**

Marsha Spencer  
Town of Delevan  
85 South Main Street  
Delevan, NY 14042

Daren Smith  
Delevan Fire Dept.  
85 South Main Street  
Delevan, NY 14042

Re: Underground Injection Control (UIC) Program Regulation  
Request for Information: SDWA-UIC-IR-14-009  
Delevan Fire Dept. (UICID: 12NY00913007)  
85 South Main Street  
Delevan, NY 14042  
Cattaraugus County

Dear Ms. Spencer and Mr. Smith:

An inspection of the facility referenced above was conducted on May 7, 2013. The inspection revealed that the facility may be operating underground injection wells subject to EPA jurisdiction under the Safe Drinking Water Act. EPA records indicate that the above-referenced facility has not inventoried any underground injection wells as required by 40 Code of Federal Regulations (CFR) §§144.26, 144.27 and 144.83(a). EPA records also indicate that the above-referenced facility has not received authorization to emplace fluids into an underground injection well by permit, in accordance with 40 C.F.R. §144.31, or by rule, in accordance with 40 CFR §§144.24 and 144.84. Failure to operate an injection well under authorization by rule or permit constitutes noncompliance with Underground Injection Control (UIC) program regulations. The UIC program regulations are designed to assure that the operation of injection wells will not contaminate underground sources of drinking water (USDW) and endanger human health.

Specifically, one or more drains at your facility were found to potentially discharge to an injection well such as a drywell, septic system or cesspool as follows:

**There are three floor drains on site which failed a dye test conducted on May 7, 2013 to verify their discharge points. Need to use other methodology to obtain a favorable result for this action. Some suggestions follow in the next paragraph.**

**REQUIRED ACTIONS**

Submit the following information within 30 days of receipt of this letter:

- Identify the discharge point for each of the drains at your facility. Acceptable options include but are not limited to dye testing of drains and as built diagrams of facility showing piping.

File

As required by 40 CFR §§144.26, 144.27 and 144.83(a), should any drains discharge to one or more injection wells, you must complete inventory forms for these injection wells. Enclosed is an inventory form (EPA Form 7520-16) and a request for information that must be completed if you possess a facility which uses an underground injection well. Also enclosed is a listing of Class V injection well types and instructions (Enclosure 1). Please use Enclosure 1 when filling out the inventory form. These documents can also be found on the internet at:

<http://www.epa.gov/safewater/uic/pdfs/7520-16.pdf>  
[http://www.epa.gov/region02/water/compliance/supplemental\\_instructions\\_inventory.pdf](http://www.epa.gov/region02/water/compliance/supplemental_instructions_inventory.pdf)  
[http://www.epa.gov/region02/water/compliance/wellclasstypetable\\_inventoryc\\_form](http://www.epa.gov/region02/water/compliance/wellclasstypetable_inventoryc_form)

- For any injection well inventoried above, you must submit a detailed description of all types of fluids that are or may be discharged into the injection well.

Please submit all information to the following address:

Nicole Foley Kraft, Chief  
Ground Water Compliance Section  
United States Environmental Protection Agency  
290 Broadway, 20<sup>th</sup> Floor  
New York, NY 10007-1866  
Re: 12NY00913007  
Attn: Norma Ortega

## **NOT OPERATING AN INJECTION WELL?**

If you are certain that there are no discharges from this facility into a UIC Class V well, you must submit verification that all drains discharge to somewhere other than an injection well, such as the storm or sanitary sewer; surface water such as a stream, lake, etc.; or onto the ground surface. Examples of verification would be: 1) a letter from the superintendent of the Sewer Authority reporting that no drains at the facility discharge to an injection well and where they do discharge, or 2) results from a dye test performed by a licensed engineer or plumber proving the drain(s) discharge to somewhere other than an injection well or 3) an updated plumbing blueprint of the facility verifying where each drain discharges and that none discharge to an injection well.

## **REQUIRED WELL CLOSURES**

If you operate a large-capacity cesspool (a cesspool which serves a multiple dwelling community or regional system, or for a non-residential system serves more than 19 persons a day) you were to have closed the cesspool by April 5, 2005, as required by 40 CFR §144.88. Cesspools and septic systems are defined as follows:

- A cesspool is a drywell/leach pit that directly receives untreated sanitary waste containing human excreta. A cesspool system does not utilize a septic tank to retain and treat sanitary waste.



- In a septic system, sanitary waste is first discharged through a septic tank, where solids are removed and biologic treatment occurs, and the treated sanitary waste is then discharged to a drywell/leachpit or to a drainfield.

If you operate a large capacity cesspool please contact Norma Ortega at (212) 637-4234.

Pursuant to 40 CFR §§144.12 and 144.84, if you operate a motor vehicle waste disposal well, the Director of the UIC program will require that you properly close the well pursuant to a closure plan approved by EPA or obtain a permit for continued operation.

Failure to respond to this letter truthfully and accurately within the time provided may subject you to sanctions authorized by federal law. Please also note that all information submitted by you may be used in an administrative, civil judicial, or criminal action. In addition, making a knowing submission of materially false information to the U.S. Government may be a criminal offense.

If you have any questions please contact Norma Ortega of my staff at (212) 637-4234 or by e-mail at [ortega.norma@epa.gov](mailto:ortega.norma@epa.gov).

Sincerely,



*for* Douglas McKenna, Chief  
Water Compliance Branch

Enclosures

cc: Jeffrey Konsella  
NYSDEC, Region 9  
270 Michigan Avenue  
Buffalo, NY 14203-2999

Eric W. Wohlers, P.E.  
Env. Health Director, Cattaraugus County Health Dept  
1 Leo Moss Drive  
Olean, NY 14760-1154





File

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

FEB - 4 2014

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**Article Number: 7005 3110 0000 5940 0463**

Ryan Turney  
Turney's Auto Repair  
69 State Route 394  
Kennedy, NY 14747

Re: Underground Injection Control (UIC) Program Regulation  
Request for Information: SDWA-UIC-IR-14-010  
Turney's Auto Repair (UICID: 12NY01313298)  
69 State Route 394  
Kennedy, NY 14747  
Chautauqua County

Dear Mr. Turney:

An authorized representative of the U. S. Environmental Protection Agency (EPA) conducted an inspection of the facility referenced above on May 3, 2012. The inspection revealed that the facility may be operating one or more Class V underground injection wells subject to EPA jurisdiction under the Safe Drinking Water Act.

EPA records indicate that the above-referenced facility has not inventoried any underground injection wells as required by 40 Code of Federal Regulations (CFR) §§144.26, 144.27 and 144.83(a). EPA records also indicate that the above-referenced facility has not received authorization to emplace fluids into an underground injection well by permit, in accordance with 40 CFR §144.31, or by rule, in accordance with 40 CFR §§144.24 and 144.84. Failure to operate an injection well under authorization by rule or permit constitutes noncompliance with Underground Injection Control (UIC) program regulations. The UIC program regulations are designed to assure that the operation of injection wells will not contaminate underground sources of drinking water (USDW) and endanger human health.

Class V wells are typically shallow wells used to place a variety of fluids directly below the land surface. In general, examples of Class V UIC wells include automotive waste disposal wells; industrial process water & waste disposal wells; large capacity cesspools and large capacity septic systems; and storm water drywells.

Specifically, one or more drains at your facility were found to potentially discharge to an injection well such as a drywell, septic system or cesspool as follows:

**FD-2 Floor Drain in service bay towards south end of building**

The final discharge point of FD-2 is unknown. The current owner identified a buried pipe nearby

to the building heading off the corner of the building. The final discharge point of the pipe is unknown.

**FD-1 Floor Drain in service bay towards the north end of the building**

A 1993 UIC inspection indicated that FD-1 led to a storm drain which then led across Route 394 to a ditch which then led to a stream. Please verify that that FD-1 floor drain still currently discharges to the surface water stream as indicated in 1993. Also verify that the storm drain is not *also* a leaching structure that discharges to the subsurface.

**REQUIRED ACTIONS**

Submit the following information within 30 days of receipt of this letter:

1. Identify the discharge point(s) for each of the drains at your facility. Acceptable options include but are not limited to dye testing of drains and as built diagrams of facility showing piping.
2. As required by 40 CFR §§144.26, 144.27 and 144.83(a), should any drains discharge to one or more injection wells, you must submit inventory information for these injection wells. Enclosed is an inventory form (EPA Form 7520-16) and supplemental instructions with additional information requirements that must be submitted if you possess a facility which uses an underground injection well. Also enclosed is a listing of Class V injection well types. Please use the supplemental instructions when filling out the inventory form. These documents can also be found on the internet at:

EPA Form 7520-16

<http://www.epa.gov/safewater/uic/pdfs/7520-16.pdf>

USEPA Region II Supplemental Instructions for Completing Inventory of Injection Wells  
[http://www.epa.gov/region02/water/compliance/supplemental\\_instructions\\_inventory.pdf](http://www.epa.gov/region02/water/compliance/supplemental_instructions_inventory.pdf)

USEPA Region II List of Class V Injection Well Types

[http://www.epa.gov/region02/water/compliance/wellclasstypetable\\_inventoryc\\_form](http://www.epa.gov/region02/water/compliance/wellclasstypetable_inventoryc_form)

For any injection well inventoried above, you must submit:

3. A detailed description of all types of fluids that are or may be discharged into the injection well.
4. A schematic diagram of the injection well system(s) including all drains, piping, interconnections, processing units such as oil/water separators or septic tanks, and final discharge mechanisms such as drywells, overflow drywells, leach fields or subsurface open pipe. Include the depth of the wells. Also identify if the system has any discharges to surface waters.
5. Depth to ground water, including how depth was determined.



Please submit all information to the following address:

Nicole Foley Kraft, Chief  
Ground Water Compliance Section  
United States Environmental Protection Agency  
290 Broadway, 20<sup>th</sup> Floor  
New York, NY 10007-1866  
Re: 12NY01313298  
Attn: Nancy Schlotter

### **NOT OPERATING AN INJECTION WELL?**

If you are certain that there are no discharges from this facility into a UIC Class V well, you must submit verification that all drains discharge to somewhere other than an injection well, such as the storm or sanitary sewer; surface water such as a stream, lake, etc.; or onto the ground surface. Examples of verification would be: 1) a letter from the superintendent of the Sewer Authority reporting that no drains at the facility discharge to an injection well and where they do discharge, or 2) results from a dye test performed by a licensed engineer or plumber proving the drain(s) discharge to somewhere other than an injection well, or 3) an updated plumbing blueprint of the facility verifying where each drain discharges and that none discharge to an injection well.

### **REQUIRED WELL CLOSURES**

If you operate a large-capacity cesspool (a cesspool which serves a multiple dwelling community or regional system, or for a non-residential system serves more than 19 persons a day) you were to have closed the cesspool by April 5, 2005, as required by 40 CFR §144.88. Cesspools and septic systems are defined as follows:


- A cesspool is a drywell/leach pit that directly receives untreated sanitary waste containing human excreta. A cesspool system does not utilize a septic tank to retain and treat sanitary waste.
- In a septic system, sanitary waste is first discharged through a septic tank, where solids are removed and biologic treatment occurs, and the treated sanitary waste is then discharged to a drywell/leachpit or to a drainfield.

Pursuant to 40 CFR §§144.12 and 144.84, if you operate a motor vehicle waste disposal well, the Director of the UIC program will require that you properly close the well pursuant to a closure plan approved by EPA or obtain a permit for continued operation.

Failure to respond to this letter truthfully and accurately within the time provided may subject you to sanctions authorized by federal law. Please also note that all information submitted by you may be used in an administrative, civil judicial, or criminal action. In addition, making a knowing submission of materially false information to the U.S. Government may be a criminal offense.

If you have any questions please contact Nancy Schlotter of my staff at (212) 637-3947 or by e-mail at [schlotter.nancy@epa.gov](mailto:schlotter.nancy@epa.gov).

Sincerely,

  
Douglas McKenna, Chief  
Water Compliance Branch

Enclosures

cc: Jeffrey Konsella  
NYSDEC, Region 9  
270 Michigan Avenue  
Buffalo, NY 14203-2999

Mark Stow  
Chautauqua County Health Dept.  
Health & Social Services  
Mayville, NY 14747

File



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY

NEW YORK, NY 10007-1866

MAR 20 2014

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**Article Numbers: 7005 3110 0000 5940 0531 / 7005 3110 0000 5940 0555**

Glenda Long  
Colonial Cleaners  
1902 East Shore Drive  
Lansing, NY 14882

Glenn Monro  
Colonial Cleaners  
1902 East Shore Drive  
Lansing, NY 14882

Re: Underground Injection Control (UIC) Program Regulation  
**Request for Information: SDWA-UIC-IR-14-011 Extension**  
Colonial Cleaners (UICID: 06NY10913134)  
1902 East Shore Drive  
Lansing, NY 14882  
Tompkins County

Dear Ms. Long and Mr. Monro:

This letter is in response to your request for an extension to the time allotted to respond to a Request for Information. EPA hereby grants you an extension until May 5, 2014 to respond.

Failure to respond in accordance with Underground Injection Control regulations, by the above deadline may result in the consideration of all enforcement options available pursuant to Section 1423 of the Safe Drinking Water Act, 42 USC §300-2, et seq. Please also note that all information submitted by you may be used in an administrative, civil judicial or criminal action. In addition, making a knowing submission of materially false information to the U.S. Government may be a criminal offense.

Please address any correspondence you submit to this office as follows:

Nicole Foley Kraft, Chief  
Ground Water Compliance Section  
United States Environmental Protection Agency  
290 Broadway, 20<sup>th</sup> Floor  
New York, NY 10007-1866  
Re: 06NY10913134  
Attn: Robert Ferri

If you have any questions please contact Robert Ferri of my staff at 212-637-4227 or [ferri.robert@epa.gov](mailto:ferri.robert@epa.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Nicole Kraft".

Nicole Foley Kraft, Chief  
Ground Water Compliance Section

cc: John Anderson, P.E.  
Tompkins County Health Dept.  
H Bldg., 401 Dates Drive  
Ithaca, NY 14850

Steve Eidt  
NYSDEC, Region 7  
615 Erie Blvd. West  
Syracuse, NY 13204

Forrest Earl  
GeoLogic NY, Inc.  
PO Box 350  
Homer, NY 13077





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

MAR - 5 2014

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**  
**Article number: 7005 3110 0000 5939 9736**

Glenda Long  
Colonial Cleaners  
1902 East Shore Drive  
Lansing, NY 14882

Glenn Monroe  
Colonial Cleaners  
1902 East Shore Drive  
Lansing, NY 14882

Re: Underground Injection Control (UIC) Program Regulation  
Request for Information: SDWA-UIC-IR-14-011  
Colonial Cleaners (UICID: 06NY10913134)  
1902 East Shore Drive  
Lansing, NY 14882  
Tompkins County

Dear Ms. Long and Mr. Monroe:

An inspection of the above-referenced facility on July 2, 2013 has revealed that your facility is operating underground injection well(s) subject to U.S. Environmental Protection Agency (EPA) jurisdiction under the Safe Drinking Water Act. The inspection noted the following: a **regulated well (leachfield) on site receives industrial wastewaters (wastewater other than normal sanitary wastewater).**

In accordance with 40 Code of Federal Regulations (CFR) Part 144, you must permanently close the well or apply for a permit. EPA records indicate that the injection well described above are not authorized by permit in accordance with 40 CFR §144.31 nor has the well been authorized to inject subsequent to the submittal of inventory information in accordance with 40 CFR §144.26. Failure to operate an injection well under authorization by rule or permit constitutes noncompliance with Underground Injection Control (UIC) program regulations. Because wells that receive garment cleaning fluid wastes frequently receive wastes contaminated with perchloroethylene, valclene and petroleum solvents, the well identified above may contaminate underground sources of drinking water (USDW) and endanger human health; **you must submit a closure plan or permit application within thirty (30) days of receipt of this letter.** Instructions for UIC Class V well closure plans and permit applications are enclosed. **Sanitary systems not receiving any industrial wastes may be authorized or permitted. Before you close any well, you must submit a closure plan to EPA, and receive EPA's approval of the plan.**

In addition, should you own or operate other facilities using underground injection wells, you must, as required by 40 CFR §§144.26, 144.27 and 144.83(a), complete inventory forms for these facilities. Enclosed is an inventory form (EPA Form 7520-16) and a request for information that must be completed if you possess a facility which uses an underground injection well. Enclosed is a listing of Class V injection well types. Please use this enclosure when filling out the inventory form.

Furthermore, if you are certain that the drain(s) identified by the inspection do not discharge into regulated UIC Class V wells, you must submit verification that the injection well does not exist. Examples of verification would be a letter from the Superintendent of the Sewer Authority or results from a dye test proving a drain connection to storm or sanitary sewer systems. An updated plumbing blueprint may also serve to demonstrate a drain connection to surface points of discharge or sewer systems.

Please submit UIC inventory forms, permit applications or proposed closure plans to the following address:

Nicole Foley Kraft, Chief  
Ground Water Compliance Section  
United States Environmental Protection Agency  
290 Broadway, 20<sup>th</sup> Floor  
New York, NY 10007-1866  
Re: 14NY11106010  
Attn: Robert Ferri

Failure to respond to this letter truthfully and accurately within the time provided may subject you to sanctions authorized by federal law. Please also note that all information submitted by you may be used in an administrative, civil judicial or criminal action. In addition, making a knowing submission of materially false information to the U.S. Government may be a criminal offense.

Should you have any questions please contact Robert Ferri of my staff at (212) 637-4227 or [ferri.robert@epa.gov](mailto:ferri.robert@epa.gov).

Sincerely,

  
for Douglas McKenna, Chief  
Water Compliance Branch

Enclosures

cc: Steve Eidt  
NYSDEC, Region 7  
615 Erie Blvd. West  
Syracuse, NY 13204

John Anderson, P.E.  
Tompkins County Health Dept.  
H Bldg., 401 Dates Drive  
Ithaca, NY 14850







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

MAR 12 2014

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**Article number: 7005 3110 0000 5939 9798**

Randy Metcalf  
American Taxi  
4363 North Homer Street  
Cortlandville, NY 13045

Re: Underground Injection Control (UIC) Program Regulation  
Request for Information: SDWA-UIC-IR-14-012  
American Taxi (UICID: 06NY02313924)  
4363 North Homer Street  
Cortlandville, NY 13045  
Cortland County

Dear Mr. Metcalf:

An inspection of the facility referenced above was conducted on June 5, 2013. The inspection revealed that the facility may be operating underground injection wells subject to EPA jurisdiction under the Safe Drinking Water Act. EPA records indicate that the above-referenced facility has not inventoried any underground injection wells as required by 40 Code of Federal Regulations (CFR) §§144.26, 144.27 and 144.83(a). EPA records also indicate that the above-referenced facility has not received authorization to emplace fluids into an underground injection well by permit, in accordance with 40 C.F.R. §144.31, or by rule, in accordance with 40 CFR §§144.24 and 144.84. Failure to operate an injection well under authorization by rule or permit constitutes noncompliance with Underground Injection Control (UIC) program regulations. The UIC program regulations are designed to assure that the operation of injection wells will not contaminate underground sources of drinking water (USDW) and endanger human health.

Specifically, two drains at your facility were found to potentially discharge to an injection well such as a drywell, septic system or cesspool.

**REQUIRED ACTIONS**

Submit the following information within 30 days of receipt of this letter:

- Identify the discharge point for each of the drains at your facility. Acceptable options include but are not limited to dye testing of drains and as built diagrams of facility showing piping.

As required by 40 CFR §§144.26, 144.27 and 144.83(a), should any drains discharge to one or more injection wells, you must complete inventory forms for these injection wells. Enclosed is an inventory form (EPA Form 7520-16) and a request for information that must be completed if you possess a facility which uses an underground injection well. Also enclosed is a listing of Class V injection well types and instructions (Enclosure 1). Please use Enclosure 1 when filling out the inventory form. These documents can also be found on the internet at:

<http://www.epa.gov/safewater/uic/pdfs/7520-16.pdf>

[http://www.epa.gov/region02/water/compliance/supplemental\\_instructions\\_inventory.pdf](http://www.epa.gov/region02/water/compliance/supplemental_instructions_inventory.pdf)

[http://www.epa.gov/region02/water/compliance/wellclasstypetable\\_inventoryc\\_form](http://www.epa.gov/region02/water/compliance/wellclasstypetable_inventoryc_form)

- For any injection well inventoried above, you must submit a detailed description of all types of fluids that are or may be discharged into the injection well.

Please submit all information to the following address:

Nicole Foley Kraft, Chief  
Ground Water Compliance Section  
United States Environmental Protection Agency  
290 Broadway, 20<sup>th</sup> Floor  
New York, NY 10007-1866  
Re: 06NY02313924  
Attn: Robert Ferri

### **NOT OPERATING AN INJECTION WELL?**

If you are certain that there are no discharges from this facility into a UIC Class V well, you must submit verification that all drains discharge to somewhere other than an injection well, such as the storm or sanitary sewer; surface water such as a stream, lake, etc.; or onto the ground surface. Examples of verification would be: 1) a letter from the superintendent of the Sewer Authority reporting that no drains at the facility discharge to an injection well and where they do discharge, or 2) results from a dye test performed by a licensed engineer or plumber proving the drain(s) discharge to somewhere other than an injection well or 3) an updated plumbing blueprint of the facility verifying where each drain discharges and that none discharge to an injection well.

### **REQUIRED WELL CLOSURES**

If you operate a large-capacity cesspool (a cesspool which serves a multiple dwelling community or regional system, or for a non-residential system serves more than 19 persons a day) you were to have closed the cesspool by April 5, 2005, as required by 40 CFR §144.88. Cesspools and septic systems are defined as follows:

- A cesspool is a drywell/leach pit that directly receives untreated sanitary waste containing human excreta. A cesspool system does not utilize a septic tank to retain and treat sanitary waste.
- In a septic system, sanitary waste is first discharged through a septic tank, where solids are removed and biologic treatment occurs, and the treated sanitary waste is then discharged to a drywell/leachpit or to a drainfield.

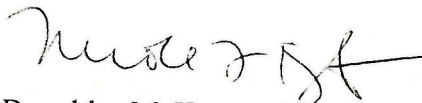
If you operate a large capacity cesspool please contact Robert Ferri at (212) 637-4227.

Pursuant to 40 CFR §§144.12 and 144.84, if you operate a motor vehicle waste disposal well, the Director of the UIC program will require that you properly close the well pursuant to a closure plan approved by EPA or obtain a permit for continued operation.

Failure to respond to this letter truthfully and accurately within the time provided may subject you to sanctions authorized by federal law. Please also note that all information submitted by you may be used in an administrative, civil judicial, or criminal action. In addition, making a knowing submission of materially false information to the U.S. Government may be a criminal offense.

If you have any questions please contact Robert Ferri of my staff at (212) 637-4227 or by e-mail at [ferri.robert@epa.gov](mailto:ferri.robert@epa.gov).

Sincerely,



*for* Douglas McKenna, Chief  
Water Compliance Branch

Enclosures

cc: Steve Eidt  
NYSDEC, Region 7  
615 Erie Blvd. West  
Syracuse, NY 13204

John Helgren  
Cortland County Health Dept.  
60 Central Avenue  
Cortland, NY 13045







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

MAR 12 2014

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**  
**Article number: 7005 3110 0000 5939 9774**

Carol Gray  
Gray Metal Products, Inc.  
495 Rochester Street  
Avon, NY 14414

Re: Underground Injection Control (UIC) Program Regulation  
Request for Information: SDWA-UIC-IR-14-013  
Gray Metal Products, Inc. (UICID: 99NY05113015)  
495 Rochester Street  
Avon, NY 14414  
Livingston County

Dear Ms. Gray:

An inspection of the facility referenced above was conducted on July 1, 2013. The inspection revealed that the facility may be operating underground injection wells subject to EPA jurisdiction under the Safe Drinking Water Act. EPA records indicate that the above-referenced facility has not inventoried any underground injection wells as required by 40 Code of Federal Regulations (CFR) §§144.26, 144.27 and 144.83(a). EPA records also indicate that the above-referenced facility has not received authorization to emplace fluids into an underground injection well by permit, in accordance with 40 C.F.R. §144.31, or by rule, in accordance with 40 CFR §§144.24 and 144.84. Failure to operate an injection well under authorization by rule or permit constitutes noncompliance with Underground Injection Control (UIC) program regulations. The UIC program regulations are designed to assure that the operation of injection wells will not contaminate underground sources of drinking water (USDW) and endanger human health.

Specifically, two storage area floor drains at your facility were found to potentially discharge to an injection well such as a drywell, septic system, leachfield or cesspool.

**REQUIRED ACTIONS**

Submit the following information within 30 days of receipt of this letter:

- Identify the discharge point for each of the drains at your facility. Acceptable options include but are not limited to dye testing of drains and as built diagrams of facility showing piping.

As required by 40 CFR §§144.26, 144.27 and 144.83(a), should any drains discharge to one or more injection wells, you must complete inventory forms for these injection

wells. Enclosed is an inventory form (EPA Form 7520-16) and a request for information that must be completed if you possess a facility which uses an underground injection well. Also enclosed is a listing of Class V injection well types and instructions (Enclosure 1). Please use Enclosure 1 when filling out the inventory form. These documents can also be found on the internet at:

<http://www.epa.gov/safewater/uic/pdfs/7520-16.pdf>

[http://www.epa.gov/region02/water/compliance/supplemental\\_instructions\\_inventory.pdf](http://www.epa.gov/region02/water/compliance/supplemental_instructions_inventory.pdf)

[http://www.epa.gov/region02/water/compliance/wellclasstypetable\\_inventoryc\\_form](http://www.epa.gov/region02/water/compliance/wellclasstypetable_inventoryc_form)

- For any injection well inventoried above, you must submit a detailed description of all types of fluids that are or may be discharged into the injection well.

Please submit all information to the following address:

Nicole Foley Kraft, Chief  
Ground Water Compliance Section  
United States Environmental Protection Agency  
290 Broadway, 20<sup>th</sup> Floor  
New York, NY 10007-1866  
Re: 99NY05113015  
Attn: Robert Ferri

### **NOT OPERATING AN INJECTION WELL?**


If you are certain that there are no discharges from this facility into a UIC Class V well, you must submit verification that all drains discharge to somewhere other than an injection well, such as the storm or sanitary sewer; surface water such as a stream, lake, etc.; or onto the ground surface. Examples of verification would be: 1) a letter from the superintendent of the Sewer Authority reporting that no drains at the facility discharge to an injection well and where they do discharge, or 2) results from a dye test performed by a licensed engineer or plumber proving the drain(s) discharge to somewhere other than an injection well or 3) an updated plumbing blueprint of the facility verifying where each drain discharges and that none discharge to an injection well.

Pursuant to 40 CFR §§144.12 and 144.84, if you operate a motor vehicle waste disposal well or an industrial process waste disposal well, the Director of the UIC program will require that you properly close the well pursuant to a closure plan approved by EPA or obtain a permit for continued operation.

Failure to respond to this letter truthfully and accurately within the time provided may subject you to sanctions authorized by federal law. Please also note that all information submitted by you may be used in an administrative, civil judicial or criminal action. In addition, making a knowing submission of materially false information to the U.S. Government may be a criminal offense.

If you have any questions please contact Robert Ferri of my staff at (212) 637-4227 or by e-mail at ferri.robert@epa.gov.

Sincerely,

  
for Douglas McKenna, Chief  
Water Compliance Branch

Enclosures

cc: Dixon Rollins  
NYSDEC, Region 8  
6247 E. Avon-Lima Road  
Avon, NY 14414

James Mazurowski  
Livingston County Health Dept.  
Murray Hill Campus  
Mt. Morris, NY 14510







UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

MAR 12 2014

File

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**Article number: 7005 3110 0000 5939 9781**

Michel Chiapperino  
Mike Chiapperino, Inc.  
7279 Heath Markham Road  
Lima, NY 14485

Re: Underground Injection Control (UIC) Program Regulation  
Request for Information: SDWA-UIC-IR-14-014  
Mike Chiapperino Inc. (UICID: 06NY05113589)  
7279 Heath Markham Road  
Lima, NY 14485  
Livingston County

Dear Mr. Chiapperino:

An inspection of the above-referenced facility on July 2, 2013 has revealed that your facility is operating underground injection well(s) subject to U.S. Environmental Protection Agency (EPA) jurisdiction under the Safe Drinking Water Act. The inspection noted the following: **one or more regulated leachfields that no longer receive motor vehicle wash or polish were not permitted, authorized or closed.**

In accordance with 40 Code of Federal Regulations (CFR) Part 144, you must permanently close the wells or apply for a permit. EPA records indicate that the injection wells described above are not authorized by permit in accordance with 40 CFR §144.31 nor have the wells been authorized to inject subsequent to the submittal of inventory information in accordance with 40 CFR §144.26. Failure to operate an injection well under authorization by rule or permit constitutes noncompliance with Underground Injection Control (UIC) program regulations. Because wells that receive motor vehicle fluid wastes frequently receive wastes contaminated with metal and organic pollutants, the wells identified above may contaminate underground sources of drinking water (USDW) and endanger human health; **you must submit a closure plan or permit application within thirty (30) days of receipt of this letter.** Instructions for UIC Class V well closure plans and permit applications are enclosed. It is EPA's experience that the cost of treating wastes injected into wells such as yours, to ensure the removal of contaminants, would be substantial. In addition, an EPA UIC injection well permit would require you to have a sample collected and analyzed by a certified drinking water laboratory periodically. For these reasons, **EPA strongly recommends that you choose to close wells that have received vehicle wastes. Sanitary systems not receiving any vehicle wastes may be permitted. Before you close any well, you must submit a closure plan to EPA, and receive EPA's approval of the plan.**

In addition, should you own or operate other facilities using underground injection wells, you must, as required by 40 CFR §§144.26, 144.27 and 144.83(a), complete inventory forms for

Internet Address (URL) • <http://www.epa.gov>

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these facilities. Enclosed is an inventory form (EPA Form 7520-16) and a request for information that must be completed if you possess a facility which uses an underground injection well. Enclosed is a listing of Class V injection well types. Please use this enclosure when filling out the inventory form.

Furthermore, if you are certain that the drain(s) identified by the inspection do not discharge into regulated UIC Class V wells, you must submit verification that the injection well does not exist. Examples of verification would be a letter from the Superintendent of the Sewer Authority or results from a dye test proving a drain connection to storm or sanitary sewer systems. An updated plumbing blueprint may also serve to demonstrate a drain connection to surface points of discharge or sewer systems.

Please submit UIC inventory forms, permit applications or proposed closure plans to the following address:

Nicole Foley Kraft, Chief  
Ground Water Compliance Section  
United States Environmental Protection Agency  
290 Broadway, 20<sup>th</sup> Floor  
New York, NY 10007-1866  
Re: 14NY11106010  
Attn: Robert Ferri

Failure to respond to this letter truthfully and accurately within the time provided may subject you to sanctions authorized by federal law. Please also note that all information submitted by you may be used in an administrative, civil judicial or criminal action. In addition, making a knowing submission of materially false information to the U.S. Government may be a criminal offense.

Should you have any questions please contact Robert Ferri of my staff at (212) 637-4227 or [ferri.robert@epa.gov](mailto:ferri.robert@epa.gov).

Sincerely,

6   
 Douglas McKenna, Chief  
Water Compliance Branch

Enclosures

cc: Dixon Rollins  
NYSDEC, Region 8  
6247 E. Avon-Lima Road  
Avon, NY 14414

James Mazurowski  
Livingston County Health Dept.  
Murray Hill Campus  
Mt. Morris, NY 14510





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

File

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**  
**Article Number: 7005 3110 0000 5967 7179**

MAR 12 2014

J. Michael Shane, Esq.  
Shane & Reisner, LLP  
Robert H. Livingston Community Center  
188 ½ West Main Street  
Allegany, NY 14706

Re: In the Matter of: UIC-AO-94-1  
Request for Information: SDWA-UIC-IR-14-015  
BDH Oil Co., Inc. Nichols Run Lease, NYU118281

Dear Mr. Shane:

The U.S. Environmental Protection Agency (“EPA”) finds that BDH Oil Company, Inc. (“BDH” or “Respondent”) continues to be in violation of the above-referenced Administrative Order on Consent (“Order”) as was detailed in EPA’s letter of July 13, 2010. Specifically:

1. Compliance Measure 2B of the Order required Respondent to establish a trust agreement and to make quarterly deposits into the trust until such time as the value of the trust assets equaled no less than \$136,620 or an adjusted amount based upon updated plugging cost estimates. Your letter of October 20, 2010 indicated that the three accounts established by Respondent contained a total balance of \$86,073.59.
2. Compliance Measure 3A of the Order required Respondent to, within 2 years of the effective date of the Order, i.e. by no later than February 10, 1996, plug the 15 injection wells listed below:

AW-1, AW-2, AW-3, AW-4, AW-5, AW-6, AW-7, AW-8, AW-9, CW-2, CW-3, CW-6, CW-8, CW-9 and EW-17.

The inspections performed by EPA in October 2009 found that the following wells were not plugged and abandoned: AW-1, AW-2, AW-3, AW-7, CW-2, CW-3, CW-6, EW-17. Further, on February 18, 2014 EPA reviewed New York State’s oil and gas well database which indicated that these wells and the following additional wells are not plugged and abandoned: AW-5, AW-6, CW-9.

In light of these ongoing violations, among others, it is imperative that you meet with EPA to discuss steps that BDH will take to bring all of its injection wells into compliance with EPA requirements. Please contact EPA Region 2’s Office of Regional Counsel as soon as possible to schedule a meeting to take place before April 1, 2014. Contact:

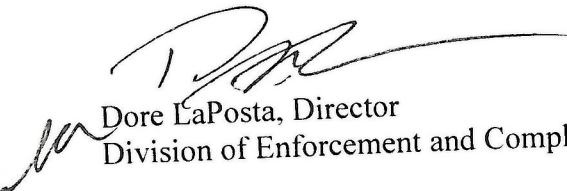
Diane Gomes, Esq.  
Office of Regional Counsel  
United States Environmental Protection Agency  
290 Broadway, 16<sup>th</sup> Floor  
New York, NY 10007-1866  
Re: NYU118281  
Email: gomes.diane@epa.gov

Failure to respond to this letter may subject you to sanctions authorized by federal law. Please also note that all information submitted by you may be used in an administrative, civil judicial, or criminal action. In addition, making a knowing submission of materially false information to the U.S. Government may be a criminal offense.

Pursuant to 40 C.F.R. §§2.203(a) and 144.5, you may, if you desire, assert a business confidentiality claim covering part or all of the information. Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 C.F.R Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice. You may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as *trade secret*, *proprietary*, or *company confidential*. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified, and may be submitted separately to facilitate identification and handling by EPA. If you desire confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.

I urge your prompt response.

Sincerely,



Dore LaPosta, Director  
Division of Enforcement and Compliance Assistance

cc: Peter Briggs  
New York State DEC  
Div. of Mineral Resources  
Bureau of Oil and Gas Regulation  
Permits Section  
625 Broadway, 3<sup>rd</sup> Floor  
Albany, NY 12233-6500



Christopher Miller  
New York State DEC  
Region 9  
Allegany Sub-Office  
182 East Union Street  
Allegany, NY 14706

Thomas H. Defibaugh  
BDH Oil Company, Inc.  
580 Interstate Parkway  
Bradford, PA 16701

Joseph J. Bucher  
BDH Oil Company, Inc.  
108 Pleasant Street  
Bolivar, NY 14715





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

MAR 11 2014

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**Article number: 7005 3110 0000 5939 9750**

Dennis & Daryl Martin  
Martin Brothers Chevrolet  
615 West Main Street  
Arcade, NY 14009

Re: Underground Injection Control (UIC) Program Regulation  
Request for Information: SDWA-UIC-IR-14-016  
Martin Brothers Chevrolet (UICID: 06NY12113735)  
615 West Main Street  
Arcade, NY 14009  
Wyoming County

Dear Messieurs Martin and Martin:

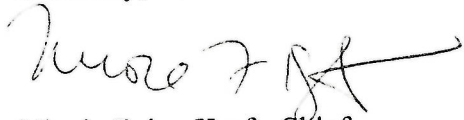
This letter is in response to your request that due to inclement weather in your area you will need an extension to the time allotted to submit a permit application, remediation plan or proof that the drainage system in question does not discharge into an injection well. EPA hereby grants you an extension of 60 days from the receipt of this letter.

Failure to respond to this letter truthfully and accurately within the time provided may subject you to sanctions authorized by federal law. Please also note that all information submitted by you may be used in an administrative, civil judicial, or criminal action. In addition, making a knowing submission of materially false information to the U.S. Government may be a criminal offense. Please submit all correspondence to the following address:

Nicole Foley Kraft, Chief  
Ground Water Compliance Section  
U.S Environmental Protection Agency  
290 Broadway, 20<sup>th</sup> Floor  
New York, N.Y. 10007  
Re: 12NY00913323  
Attn: Nonny Ortega

If you have any questions please contact Nonny Ortega of my staff at (212) 637-4234.

Sincerely,

A handwritten signature in black ink, appearing to read "Nicole Foley Kraft", with a stylized flourish at the end.

Nicole Foley Kraft, Chief  
Ground Water Compliance Section

cc: Eric W. Wohlers, P.E.  
Env. Health Director, Cattaraugus County Health Dept  
1 Leo Moss Drive  
Olean, NY 14760-1154

Jeffrey Konsella  
NYSDEC, Region 9  
270 Michigan Avenue  
Buffalo, NY 14203-2999





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

MAR 20 2014

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**Article Number: 7005 3110 0000 5940 0562**

Kevin Shaw  
Cortland Chrysler Dodge Jeep Inc  
3878 West Road  
Cortland, NY 13045

Re: Underground Injection Control (UIC) Program Regulation  
Request for Information: SDWA-UIC-IR-14-017  
Cortland Chrysler Dodge Jeep Inc (UICID: 06NY02313936)  
3878 West Road  
Cortland, NY 13045  
Cortland County

Dear Mr. Shaw:

An inspection of the facility referenced above was conducted on June 4, 2013. The inspection revealed that the facility may be operating underground injection wells subject to EPA jurisdiction under the Safe Drinking Water Act. EPA records indicate that the above-referenced facility has not inventoried any underground injection wells as required by 40 Code of Federal Regulations (CFR) §§144.26, 144.27 and 144.83(a). EPA records also indicate that the above-referenced facility has not received authorization to emplace fluids into an underground injection well by permit, in accordance with 40 C.F.R. §144.31, or by rule, in accordance with 40 CFR §§144.24 and 144.84. Failure to operate an injection well under authorization by rule or permit constitutes noncompliance with Underground Injection Control (UIC) program regulations. The UIC program regulations are designed to assure that the operation of injection wells will not contaminate underground sources of drinking water (USDW) and endanger human health.

Specifically, one or more drains at your facility were found to potentially discharge to an injection well such as a drywell, septic system or cesspool as follows:

**One service bay floor drain on site needs verification of its final discharge point. In 2013 EPA understands that a dye test failed to verify drain connection to sanitary sewer system.**

**REQUIRED ACTIONS**

Submit the following information within 30 days of receipt of this letter:

- Identify the discharge point for each of the drains at your facility. Acceptable options include but are not limited to dye testing of drains and as built diagrams of facility showing piping.

As required by 40 CFR §§144.26, 144.27 and 144.83(a), should any drains discharge to one or more injection wells, you must complete inventory forms for these injection wells. Enclosed is an inventory form (EPA Form 7520-16) and a request for information that must be completed if you possess a facility which uses an underground injection well. Also enclosed is a listing of Class V injection well types and instructions (Enclosure 1). Please use Enclosure 1 when filling out the inventory form. These documents can also be found on the internet at:

<http://www.epa.gov/safewater/uic/pdfs/7520-16.pdf>

[http://www.epa.gov/region02/water/compliance/supplemental\\_instructions\\_inventory.pdf](http://www.epa.gov/region02/water/compliance/supplemental_instructions_inventory.pdf)

[http://www.epa.gov/region02/water/compliance/wellclasstypetable\\_inventoryc\\_form](http://www.epa.gov/region02/water/compliance/wellclasstypetable_inventoryc_form)

- For any injection well inventoried above, you must submit a detailed description of all types of fluids that are or may be discharged into the injection well.

Please submit all information to the following address:

Nicole Foley Kraft, Chief  
Ground Water Compliance Section  
United States Environmental Protection Agency  
290 Broadway, 20<sup>th</sup> Floor  
New York, NY 10007-1866  
Re: 06NY02313936  
Attn: Nonny Ortega

## **NOT OPERATING AN INJECTION WELL?**

If you are certain that there are no discharges from this facility into a UIC Class V well, you must submit verification that all drains discharge to somewhere other than an injection well, such as the storm or sanitary sewer; surface water such as a stream, lake, etc.; or onto the ground surface. Examples of verification would be: 1) a letter from the superintendent of the Sewer Authority reporting that no drains at the facility discharge to an injection well and where they do discharge, 2) results from a dye test performed by a licensed engineer or plumber proving the drain(s) discharge to somewhere other than an injection well, or 3) an updated plumbing blueprint of the facility verifying where each drain discharges and that none discharge to an injection well.

## **REQUIRED WELL CLOSURES**

If you operate a large-capacity cesspool (a cesspool which serves a multiple dwelling community or regional system, or for a non-residential system serves more than 19 persons a day) you were to have closed the cesspool by April 5, 2005, as required by 40 CFR §144.88. Cesspools and septic systems are defined as follows:

- A cesspool is a drywell/leach pit that directly receives untreated sanitary waste containing human excreta. A cesspool system does not utilize a septic tank to retain and treat sanitary waste.

- In a septic system, sanitary waste is first discharged through a septic tank, where solids are removed and biologic treatment occurs, and the treated sanitary waste is then discharged to a drywell/leachpit or to a drainfield.

If you operate a large capacity cesspool please contact Nonny Ortega at (212) 637-4234.

Pursuant to 40 CFR §§144.12 and 144.84, if you operate a motor vehicle waste disposal well, the Director of the UIC program will require that you properly close the well pursuant to a closure plan approved by EPA or obtain a permit for continued operation.

Failure to respond to this letter truthfully and accurately within the time provided may subject you to sanctions authorized by federal law. Please also note that all information submitted by you may be used in an administrative, civil judicial, or criminal action. In addition, making a knowing submission of materially false information to the U.S. Government may be a criminal offense.

If you have any questions please contact Nonny Ortega of my staff at (212) 637-4234.

Sincerely,



 Douglas McKenna, Chief  
Water Compliance Branch

Enclosures

cc: Steve Eidt  
NYSDEC, Region 7  
615 Erie Blvd. West  
Syracuse, NY 13204

John Helgren  
Cortland County Health Dept.  
60 Central Avenue  
Cortland, NY 13045

